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ATTORNEY FOR DEBTOR GRCDALLASHOMES, LLC

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

In re: **GRCDALLAS HOMES, LLC**

§
§
§

Case No. 19-41186

Debtor

Chapter 11

**DEBTOR’S MOTION TO SELL PROPERTY OF THE ESTATE FREE AND CLEAR OF
LIENS, CLAIMS AND ENCUMBRANCES PURSUANT TO 11 U.S.C. § 363(b) AND
MOTION TO DISBURSE**

**NO HEARING WILL BE CONDUCTED ON THIS MOTION UNLESS A
WRITTEN OBJECTION IS FILED WITH THE CLERK OF THE UNITED
STATES BANKRUPTCY COURT AND SERVED UPON THE PARTY
FILING THIS MOTION WITHIN TWENTY-ONE (21) DAYS FROM THE
DATE OF SERVICE UNLESS THE COURT SHORTENS OR EXTENDS
THE TIME FOR FILING SUCH OBJECTION. IF NO OBJECTION IS
TIMELY SERVED AND FILED, THIS PLEADING SHALL BE DEEMED
TO BE UNOPPOSED, AND THE COURT MAY ENTER AN ORDER
GRANTING THE RELIEF SOUGHT. IF AN OBJECTION IS FILED AND
SERVED IN A TIMELY MANNER, THE COURT WILL THEREAFTER
SET A HEARING. IF YOU FAIL TO APPEAR AT THE HEARING, YOUR
OBJECTION MAY BE STRICKEN. THE COURT RESERVES THE
RIGHT TO SET A HEARING ON ANY MATTER.**

TO THE HONORABLE U.S. BANKRUPTCY COURT JUDGE:

COMES NOW, GRCDALLASHOMES, LLC (“**Debtor**”), Debtor in the above-styled
and numbered bankruptcy proceeding, and files this its *Motion to Sell Property Free and Clear
of Liens, Claims and Encumbrances* (the “**Motion**”) and in support thereof respectfully
represents:

I. JURISDICTION

1. This Court has jurisdiction over this matter pursuant to 28 U.S.C. § 1334.
2. Venue is proper pursuant to 28 U.S.C. §§ 1408 and 1409.

II. BACKGROUND

3. The Debtor originally filed this case under Chapter 11 of the Bankruptcy Code on May 3, 2019.

4. The Debtor owns properties in need of rehabilitation to maximize their value. The Debtor has received offers on three of its properties, offers the Debtor believes to be favorable and which will provide Debtor funds to manage and maintain the remainder of its properties, as well as fund the Debtor's plan of reorganization.

5. The Debtor owns residential real property located at the following addresses: (1) 2505 Oak Grove Parkway, Little Elm, TX 75068 (the "**Oak Grove Property**"); and (2) 4369 Sunset Circle, The Colony, Texas 75056 (the "**Sunset Property**") and (3) 4430 Chapman St. The Colony, TX 75056 (the "**Chapman Property**") (the Oak Grove Property, the Sunset Property and the Chapman Property collectively the "**Properties**").

6. The Debtor is seeking this Motion to Sell to quickly and effectively liquidate some of GRC's assets, while protecting itself from incessant objections from a certain creditor. John Caldwell has continuously filed objections for the purpose of harassment and delay. To date, Mr. Caldwell has filed over 10 objections in this case. This dilatory tactics and scorched earth litigation is costing the Debtor and creditors precious time and money. Out of approximately 20 creditors, Mr. Caldwell is the only creditor who has objected to virtually every move made by the Debtor at the expense of the creditor pool. Mr. Caldwell's scorched earth

litigation forced Debtor to seek a Temporary Restraining Order against Mr. Caldwell, which the Court granted.

7. The GRC bank account is currently overdrawn. As such, Debtor is using what remains of his personal funds to operate GRC. This includes gas to check on properties, company vehicle repairs, utilities for the properties, Property maintenance and upkeep, amongst other expenses. The Plan Agent only has approximately \$500.00 of the Debtor's money in his account. Mr. Daneshmandi has not been paid his salary / wages / commissions since June, 2021. GRC has multiple lawsuits that Mr. Caldwell insisted be included in the Plan. Debtor's attorneys have not been paid since June, 2021. As such, Debtor's legal bills continue to mount.

III. MOTION TO SELL

8. The Debtor seeks to sell the **Oak Grove Property** for the total sales price of \$25,000.00. A true and correct copy of the "Offer to Purchase Real Estate" with respect to the Oak Grove Property is attached hereto as ***Debtor's Exhibit A*** and incorporated herein by reference as if fully set forth. Oak Grove has been listed on the Multiple Listing Service for 712 days. During this time, the list price was reduced multiple times because no one expressed any interest. This dilapidated mobile home is hazardous – making showings impossible. This mobile home has mold, no electrical wiring, no plumbing connections, and no flooring. The mobile home needs to be torn down. To make matters worse, this mobile home faces a highway. The neighboring resident is a mechanic who makes a lot of noise. This property is a health hazard and a liability. The value in this property is in the land only. However, the purchaser will need to spend approximately \$15,000 to demolish or move the mobile home away. For this reason, the property is worth less than the raw land value.

9. The Debtor seeks to sell the **Sunset Property** for the total sales price of \$30,000.00. A true and correct copy of the “Offer to Purchase Real Estate” with respect to the Sunset Property is attached hereto as ***Debtor’s Exhibit B.*** and incorporated herein by reference as if fully set forth. This dilapidated mobile home is hazardous – making showings impossible. This property has mold, is gutted to the studs, has a backed-up sewer. Because this mobile home is not habitable, it needs to be torn down. This property is a health hazard and a liability. The value in this property is in the land only. However, the purchaser will need to spend approximately \$15,000 to demolish or move the mobile home away. For this reason, the property is worth less than the raw land value.

10. The Debtor seeks to sell the **Chapman Property** for the total sales price of \$150,000.00. A true and correct copy of the “Offer to Purchase Real Estate” with respect to the Chapman Property is attached hereto as ***Debtor’s Exhibit C.*** and incorporated herein by reference as if fully set forth. The property needs approximately \$50,000.00 in rehabilitation. The property needs foundation, flooring, paint, bathrooms, cabinets, electric, plumbing, HVAC, and granite.

11. The Buyer has no agent, which will save commissions of 6% of the overall sales price. This will save the estate \$12,300 in agent fees. Additionally, the Buyer, has waived surveys and home warranties for a combined savings to the estate of \$5,700. This results in a total savings of \$18,000 for the Estate.

12. Debtor is unable to show the Properties due to hazardous condition of the Properties. Debtor has marketed the Properties to wholesalers. Oak Grove was listed for 712 days without any offers. Two separate real estate agents recently told Debtor that both mobile homes cannot be listed due to their hazardous condition and the target sales price would be the

county's appraised value at best. The Chapman Property has had comparable sales of \$150,000 - \$160,000 with 6% agency commissions and 2% closing cost to be taken off the sales price. This means the net would be at best \$147,200 if listed. See attached comparable sale **Debtor's**

Exhibit D.

13. The sales of the Properties shall be free and clear of all liens, claims and encumbrances, and such liens, claims and encumbrances, if any, shall attach to the sales proceeds.

14. The reasonable and necessary closing costs associated with the sales shall be paid at the time of closing.

15. The Debtor is unrelated to the purchaser of the Properties.

16. The Debtor requests that the fourteen (14) day period following the entry of an Order allowing the sale be waived.

IV. DISTRIBUTION OF ANTICIPATED PROCEEDS

17. Of the approximate \$205,000.00 that GRC will generate from the aforementioned sale, GRC proposes to distribute the funds as described below.

18. GRC proposes to pay its lawyers (Rod Khavari, Ryan Rouz, and Gregory Mitchell) each a partial payment of \$15,000.00 each. Said lawyers will be paid the remaining balance of their legal fees after 7629 Lakeview is sold.

19. Furthermore, GRC proposes to make a partial payment of \$45,000 to Mr. Daneshmandi for salary/wages/commissions. Mr. Daneshmandi will be paid the remaining balance after 7629 Lakeview sells.

20. Next, GRC proposes to disburse \$7,000 to its operating account for operating expenses.

21. Next, GRC proposes to disburse \$1,000 to Plan Agent.
22. Next, GRC proposes \$7,000 to be held by the Plan Agent for Trustee's fees and accounting.
23. Finally, GRC proposes a disbursement of \$100,000 to its unsecured creditors.
24. As referenced above, for the Court's reference, GRC has engaged Fix, Hold & Flip Construction, LLC. (hereinafter "FHFC"), a general contractor to repair and complete 7629 Lakeview. FHFC agreed to a fee of \$114,000.00 and to commence work for no money down and to be paid at completion or closing, with a lien against the Property. Engaging FHFC to rehabilitate 7629 Lakeview will allow GRC to sell this property for maximum value. GRC believes the sale will generate approximately \$320,000. FHFC has 151 five-star reviews on Google. They are listed on Google as a top 1% contractor. They carry liability insurance and are willing to accept 100% upon completion. A copy of the executed contract is affixed as ***Debtor's Exhibit E***.

V. REQUEST FOR RELIEF

A. Approval of Sale Pursuant to Section 363(b)

25. "The [Debtor], after notice and a hearing, may use, sell, or lease other than in the ordinary course of business, property of the estate." 11 U.S.C. § 363(b)(1)." The [Debtor] must provide some sound business justification for the proposed sale." *In re Continental Air Lines, Inc.*, 780 F.2d 1223 (5th Cir. 1986). The Debtor has adequately marketed the Properties. Considering the present market, and condition of the Properties, the Debtor asserts that the proposed sales price for each of the Properties is fair and reasonable. Delay may result in loss of the buyer, or further reduction in value received. Delay will result in additional ongoing expenses to the Debtor and the estate. In exercise of its business judgment, the Debtor asserts that the

proposed sales are in the best interest of the estate. *Id.*; see also, *In re the Bombay Company, Inc.*, 2007 Bankr. LEXIS 3218 (Bankr.N.D. Tex. 2007).

WHEREFORE, Debtor requests the Court enter an Order approving the sale of the Oak Grove Property, the Sunset Property, and the Chapman Property pursuant to the Contracts attached as Exhibits A and B, and C respectively, and for such other and further relief to which Debtor may show itself justly entitled.

DATED this 22nd day of April, 2022.

Respectfully submitted,

FREEMAN LAW, PLLC

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ATTORNEYS FOR DEBTOR

CERTIFICATE OF SERVICE

I hereby certify that on or before April 22, 2022, a true and correct copy of the foregoing will be served via U.S. Mail and/or ECF to all parties on the attached master mailing matrix.

FREEMAN LAW, PLLC

/s/ Gregory W. Mitchell
Gregory W. Mitchell
Attorney for Debtor

Label Matrix for local noticing 0540-4 Case 19-41186 Eastern District of Texas Sherman Tue Sep 14 15:03:54 CDT 2021	Arlington ISD c/o Perdue Brandon Fielder et al 500 E. Border Street, Suite 640 Arlington, TX 76010-7457	Arlington ISD c/o Perdue Brandon Fielder et al 500 East Border Street, Suite 640 Arlington, TX 76010-7457
Attorney General of Texas Bankruptcy Division PO Box 12548 Austin, TX 78711-2548	Bayview Loan Servicing, LLC c/o Codilis & Moody, P.C. 400 N. Sam Houston Pkwy E, Suite 900A Houston, TX 77060-3548	(c)BRYAN WING CHEUNG POON C/O KEVIN G. HERD 801 CHERRY ST UNIT 8 FORT WORTH TX 76102-6881
John Caldwell c/o Roger M. Yale 1417 E. McKinney Street Suite 220 Denton, TX 76209-2504	Carrollton-Farmers Branch ISD c/o Perdue Brandon Fielder et al 500 E Border St, Suite 640 Arlington, TX 76010-7457	Carrollton-Farmers Branch ISD c/o Perdue Brandon Fielder et al 500 East Border Street, Suite 640 Arlington, TX 76010-7457
(p)JPMORGAN CHASE BANK N A BANKRUPTCY MAIL INTAKE TEAM 700 KANSAS LANE FLOOR 01 MONROE LA 71203-4774	City of Carrollton Linebarger, Goggan, Blair & Sampson, LLC c/o Laurie A. Spindler 2777 N. Stemmons Freeway Suite 1000 Dallas, TX 75207-2328	City of Highland Village % Perdue Brandon Fielder Et Al 500 E. Border Street Suite 640 Arlington, TX 76010-7457
City of Highland Village c/o Perdue Brandon Fielder et al 500 East Border Street, Suite 640 Arlington, TX 76010-7457	Megan F Clontz Spencer Fane LLP 5700 Granite Parkway Suite 650 Plano, TX 75024-6812	Eboney Cobb Perdue Brandon Fielder Collins & Mott 500 E. Border Street, Suite 640 Arlington, TX 76010-7457
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Denton County Tax Assessor Collector 1505 E. McKinney Street Denton, TX 76209-4525	Floor Expert 7525 Main #120 The Colony, TX 75056-5900	Floors Expert Inc. Art Lopez 7525 Main St. #120 The Colony, TX 75056-5900
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Texas Workforce Commission
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Eagan, MN 55121-7700

Wells Fargo Mortgage
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Des Moines, IA 50306-0335

Cheyenne M. Zokaie
The Padgett Law Group
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The preferred mailing address (p) above has been substituted for the following entity/entities as so specified
by said entity/entities in a Notice of Address filed pursuant to 11 U.S.C. 342(f) and Fed.R.Bank.P. 2002 (g) (4).

Chase Credit Card
4895 State Highway 121
The Colony, TX 75056

(d)Chase Credit Card
4895 State Highway 121
The Colony, TX 75056

Comptroller of Public Accts
Rev Acctg Div/Bankruptcy Dept
PO BOX 13528
Austin, TX 78711

Addresses marked (c) above for the following entity/entities were corrected
as required by the USPS Locatable Address Conversion System (LACS).

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The following recipients may be/have been bypassed for notice due to an undeliverable (u) or duplicate (d) address.

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(u)Comptroller

(d)Dallas County Tax Assessor
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(u)Kazem Daneshmandi

(u)Touba Daneshmandi

(d)Denton County
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(d)Floor Expert
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(d)Reliant Title
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(u)WELLS FARGO BANK, N.A.

End of Label Matrix

Mailable recipients	73
Bypassed recipients	12
Total	85